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C O N F I D E N T I A L SECTION 01 OF 02 BASRAH 000066

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SUBJECT: GOVERNOR ACKNOWLEDGES END IS NEAR

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CLASSIFIED BY: Louis L. Bono, Director, Basrah Regional Embassy
Office, Department of State.
REASON: 1.4 (b), (d)

¶1. (C) Summary: On July 26, Basrah Governor Mohammad Wa'eli received an order from the Council of Ministers directing him to step down from office. Wa'eli insists the order is unconstitutional but says he will abide by the decision of the Iraqi High Tribunal Court, which has the matter before it. Wa'eli expects the court will uphold the Provincial Council's vote of no confidence and that his principle adversary, Hasan al-Rashid (Badr), will succeed him. End summary.

¶2. (C) Governor Wa'eli (Fadhila) met with Regional Embassy Office (REO) officials on July 27 to discuss the Prime Minister's order. The REO had been informed the previous day by al-Rashid that the order had been delivered to Wa'eli. The Secretary General of the Council of Ministers issued the order

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on July 4 to the Chairman of the Provincial Council, who forwarded it to the Wa'eli on July 26. The order, marked secret, reads:

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Begin text:

The decision of your council to withhold confidence on the Governor of Basrah ... complies with ... Coalition Provisional Authority order number 71 which allows for the provincial councils to depose the governors ... by two-thirds vote. Therefore the necessary procedures should be taken to finish any business with the deposed governor and the federal government should take all the necessary procedures to ensure the execution of this order. In order to ensure progress and to provide services to the people of Basrah, you should elect a new governor End text.

¶3. (C) Wa'eli insisted that the Prime Minister has no authority to remove him. He said the order was unconstitutional and claimed that both President Jalal Talibani and Vice President Tariq al-Hashimi support his position. In a reply to the Council Chairman, he argued that the Provincial Council's vote did not comply with the rules for procedure. This issue, he contends, is a matter for the courts, and not the executive, to decide. He said the case is currently before the Iraqi High Tribunal Court, Administrative Branch. Wa'eli remains confident

he is in the right but expects the court to rule against him as the "judges are politicized." Nevertheless, he is prepared to step down if the court so ordered, but he would appeal such a ruling to the unified panel of the court. The REO director asked if the court would issue a stay pending the appeal, but Wa'eli did not reply.

¶4. (C) The director asked Wa'eli whom the Council would select to succeed him. "Al-Rashid" he said, warning that the moment he steps down, "Basrah would be handed over to the Iranians." Wa'eli said he would not step down before the court ruling even if the opposition agreed to a Fadhila successor and added he has no plans to accept an ambassadorship or deputy prime minister slot proffered by the Prime Minister. Wa'eli said Fadhila is losing its strength, as many members are under pressure to defect to Badr and other Iranian-backed parties.

¶5. (C) Defense Ministry advisor/local politician Majid al-Sari said the Provincial Council would await the court's decision before electing a new governor but would not wait too long. Al-Sari, a leader in the effort to oust Wa'eli, said the Council would not choose a Fadhila successor, as this proposition was contingent on Wa'eli stepping down. (See reftel.) He said Wa'eli's "mistake was not that he stole, but that he did not share what he stole." Comment: There is no honor among thieves, even in Basrah. End comment. Basrah's security commander, General Mohan Hafith Fahad, expects the court to render its decision around August 15. He told the MND-SE commander that the Iraqi Army will remain neutral in this dispute, and that he will only intervene if the security or the oil infrastructure is threatened. However, in a meeting with REO officials (septel), he said he would forcibly remove Wa'eli if so ordered. Mohan is also working to integrate the Oil Protection Force, which has heretofore served as Fadhila's militia, into his command structure.

¶6. (C) Comment: With so much at stake, it seems uncharacteristic that Wa'eli would fall on his sword with nothing to show for himself or Fadhila. Fadhila may be down, but they retain 12 votes in the Council - the most of any single party. If al-Rashid succeeds Wa'eli, there should be harmony between the Council and the governor, which could result in some progress. However, there are legitimate concerns about his Iranian ties,

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which al-Rashid seems eager to refute.
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